IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 46 OF 2005

Smt.Sudkibai Tukaram Gije
(since deceased through her LRs.)
Balkrishna Tukaram Gije & ors. ... Appellants.

Versus.

Mohamad Shabuddin Phanse. ... Respondent.

Shri Rajesh More for the Appellants.

CORAM : ABHAY S. OKA, J.

DATED : 17th February, 2005.

P.C.:

1. Shri More on instructions states that the order passed by the Maharashtra Revenue Tribunal against the Appellants was challenged by them by filing a Writ Petition in this Court and the said Writ Petition has been rejected.

2. The Appeal is by the original Defendants. The suit filed by the Plaintiff was on title. The defence of the Appellants was that they were agricultural tenants in possession of the suit land. However, the plea of tenancy has been finally negatived by the authorities under the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, and the said orders have been confirmed by this Court.

3. In this view of the matter, no fault can be found with the Courts below when the case made out by the

original Plaintiff was accepted and the decree for perpetual injunction was passed. No substantial question of law arises and hence the Second Appeal is dismissed with no order as to costs.

Judge.